CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA

IN THE UNITED STATES DISTRICT COURT

JUN 2 1 2005

FOR THE WESTERN DISTRICT OF VIRGINIA BY:

ROANOKE DIVISION

RICKY LEE STOUT, Petitioner,) Civil Action No. 7:04-cv-00323
v.)) <u>FINAL ORDER</u>
GENE M. JOHNSON, Respondent.) By: Hon. James C. Turk) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that respondent's motion to dismiss shall be and is hereby GRANTED; the petition for habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is DISMISSED; and the action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to Stout and to counsel of record for the respondent.

ENTER: This 3/Aday of June, 2005.

Senior United States District Judge